

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

MAY 27 2010

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2009-0335
)	DEPARTMENT B
Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
RAUL SOSA MUNIZ,)	the Supreme Court
)	
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20084743

Honorable Richard S. Fields, Judge

AFFIRMED

Law Offices of Anne Elsberry, PLLC
By Anne Elsberry

Tucson
Attorney for Appellant

B R A M M E R, Judge.

¶1 Following a three-day jury trial, appellant Raul Sosa Muniz was convicted of first-degree burglary, a class two felony, two counts of aggravated assault with a deadly weapon/dangerous instrument, class three felonies, two counts of armed robbery, class two felonies, and, two counts of kidnapping, class two felonies, all dangerous nature offenses involving the use of a firearm. Muniz was also convicted of unlawful flight

from a pursuing law enforcement vehicle, a class five felony. The trial court found Muniz had one historical prior felony conviction, and sentenced him to a combination of concurrent and consecutive, mitigated and presumptive prison terms totaling fifteen years, with credit for 306 days served. The court also ordered Muniz to pay restitution in the amount of \$2,200. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), stating she has reviewed the record diligently and has found no meritorious issues to raise on appeal. Counsel has asked us to search the record for fundamental error. Muniz has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence was sufficient to support them. The sentences were well within statutory limits and were imposed lawfully. Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Therefore, we affirm Muniz's convictions and the sentences imposed.

/s/ J. William Brammer, Jr.

J. WILLIAM BRAMMER, JR., Judge

CONCURRING:

/s/ Peter J. Eckerstrom

PETER J. ECKERSTROM, Presiding Judge

/s/ Garye L. Vásquez

GARYE L. VÁSQUEZ, Judge